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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,898	08/18/2003	Binh T. Nguyen	IGT1P278/P-800	3207
22434	7590	04/02/2008	EXAMINER	
BEYER WEAVER LLP			NGUYEN, BINH AN DUC	
P.O. BOX 70250				
OAKLAND, CA 94612-0250				
			ART UNIT	PAPER NUMBER
			3714	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/642,898	NGUYEN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Binh-An D. Nguyen	3714	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 November 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) 1-25,30,32-35,38 and 42-51 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26-29,31,36,37 and 39-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date  | 6) <input type="checkbox"/> Other: _____                          |

10/2, 4/6/07; 11/8, 10/10/06; 5/19, 1/31/05; 10/14, 4/23, 1/5/04.



### DETAILED ACTION

The Response to Restriction /Requirement filed November 27, 2007 has been received. According to the Amendment, the invention of Group II, claims 26-41, has been elected without traverse; and further, Species 2S1a, 2S2a, 2S3a, and 2S4a which correspond to claims 29, 31, 34, and 37, respectively, have been elected with traverse.

Applicant's election with traverse of Species 2S1a, 2S2a, 2S3a, and 2S4a in the reply filed on November 27, 2007 is acknowledged. The traversal is on the ground(s) that the restricted Species do not pose an undue burden on the Examiner because there are only two independent claims in the elected Group II. This is not found persuasive because configuring game playing behavior depends on different and independent criteria for each species such as particular skill level, particular risk level, prompting answer to questionnaire, and game playing behavior (for Species 2S1a, 2S1b, 2S2a, and 2S2b). **Further**, regarding Species 2S3a and 2S3b, the game play corresponds to independent personality of independent personality of fictional person or famous person. **Furthermore**, regarding Species 2S4a and 2S4b, the criteria for analyzing game play behavior according to actions such as action of the player and player tracking information are independent from each other.

The requirement is still deemed proper and is therefore made FINAL.

Currently, claims 1-51 are pending in the application, wherein claims 1-25, 30, 32-35, and 38, 42-51 are hereby withdrawn due to non-elected invention. Note that, claims 33-35 are also withdrawn due to dependant of non-elected claim 32.

Claims 26-29, 31, 36, 37, and 39-41 are hereby examined on merit.

Acknowledgment has been made.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 26-29, 31, 36, 37, and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guinn et al. (6,039,648) in view of Graves et al. (5,830,067).

Referring to claims 26, Guinn et al. teaches a gaming method, comprising: designating a gaming tournament time of a gaming tournament, the gaming tournament time having a start time and an end time (1:48-2:5); receiving enrollment data from a plurality of first players at respective player computers (2:29-67); enabling each of the player computers for playing at least one game in the gaming tournament during the gaming tournament time (3:59-4:54); receiving enrollment data from a second player; and if the first winning player is determined, generating data indicative of a first value payout to be awarded to the first winning player (5:14-6:30). Guinn et al. does not explicitly teach receiving enrollment data from a second player including authorization data indicative of the second player authorizing a software agent to play games in the gaming tournament on behalf of the second player, the software agent to be executed by a proxy computer; enabling the software agent to play at least one game via the

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proxy computer during the gaming tournament time; determining a first winning player, if any, from the plurality of first players and the second player based on outcomes of the games played by the plurality of first players and the software agent; and if the first winning player is determined, generating data indicative of a first value payout to be awarded to the first winning player. Graves et al., however, teaches a proxy player machine a method wherein software agent is authorized to play games on behalf of the player, the software agent to be executed by a proxy computer (2:18-66); enabling the software agent to play at least one game via the proxy computer during the game session (2:67-3:25); determining a first winning player, if any, from the plurality of first players and the second player based on outcomes of the games played by the plurality of first players and the software agent; and if the first winning player is determined, generating data indicative of a first value payout to be awarded to the first winning player (5:49-6:2). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide Graves et al.'s proxy players to the tournament game of Guinn et al. to allow game players to engage in multiple games with different playing options the same time that increase gaming excitements and participations thus bring forth more revenue to the casino.

Referring to claim 39, Guinn et al. teaches a tournament server (tournament scheduler computer and central server computer, Figs. 1, 2), comprising: a network interface; a controller operatively coupled to the network interface, the controller comprising a processor and a memory operatively coupled to the processor, the controller configured to: designate a gaming tournament time of a gaming tournament,

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the gaming tournament time having a start time and an end time (4:64-5:28); receive enrollment data from a plurality of first players at respective player computers operatively coupled to the tournament server via the network interface (3:59-4:16); enable each of the player computers for playing at least one game in the gaming tournament during the gaming tournament time; and receive enrollment data from a second player via the network interface (4:38-54). Guinn et al. does not explicitly teach receive enrollment data from a second player via the network interface, the enrollment data including authorization data indicative of the second player authorizing a software agent to play games in the gaming tournament on behalf of the second player, the software agent to be executed by a proxy computer; enable the software agent to play at least one game via the proxy computer during the gaming tournament time; determine a first winning player, if any, from the plurality of first players and the second player based on outcomes of the games played by the plurality of first players and the software agent; and if the first winning player is determined, generating data indicative of a first value payout to be awarded to the first winning player. Graves et al., however, teaches a proxy player machine wherein software agent is authorized to play games on behalf of the player, the software agent to be executed by a proxy computer (2:18-66); enabling the software agent to play at least one game via the proxy computer during the game session (2:67-3:25); determining a first winning player, if any, from the plurality of first players and the second player based on outcomes of the games played by the plurality of first players and the software agent; and if the first winning player is determined, generating data indicative of a first value payout to be awarded to the first

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winning player (5:49-6:2). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide Graves et al.'s proxy players to the tournament game of Guinn et al. to allow game players to engage in multiple games with different playing options the same time that increase gaming excitements and participations thus bring forth more revenue to the casino.

Referring to claim 27, the limitations of determining a second winning player, if any, from the plurality of first players and the second player based on outcomes of the games played by the plurality of first players and the software agent; and if the second winning player is determined, generating data indicative of a second value payout to be awarded to the second winning player are inherent from the game tournament of Guinn et al. wherein the game winning results played by plurality of player are being determined.

Referring to claims 28, 29, 31, 36, and 37, Graves et al. further teaches configuring a game playing behavior of the software agent by entering player's preference (3:5-12); wherein configuring the game playing behavior of the software agent includes configuring the software agent to play according to a particular skill level; configuring the game playing behavior of the software agent includes prompting the second player to answer a questionnaire (6:55-61); analyzing game playing behavior of the second player to generate behavior parameters (6:47-57); wherein configuring the game playing behavior of the software agent includes configuring the software agent to play according to the generated behavior parameters (2:60-3:13); and analyzing game



playing behavior of the second player includes analyzing actions of the second player during game play (3:7-12; 6:55-65).

Regarding the limitations of proxy computer being separated from the tournament server, and wherein the proxy computer is operatively coupled to the tournament server via the network interface (claim 40); and the proxy computer comprises the tournament server (claim 41), since both the proxy computer and the server are computing device themselves, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to rearrange the machines within a network to come up with desirable and efficient network configuration.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 571-272-4440. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert E Pezzuto/  
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BN

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